

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 26** - (Lyon): Honoring seven persons who are representing Texas in the national "America Buckles Up/Border-to-Border" campaign.

**H.C.R. 28** - (Santiesteban): Honoring Alicia Rosencrans Chacon of El Paso.

**H.C.R. 30** - (Brown): Extending congratulations to the Houston Baptist University men's gymnastic team.

**S.R. 60** - By Sharp: Extending welcome to Dr. Barton Romanek of Lockhart, Capitol Physician for the Day.

**S.R. 77** - By Parmer: Extending congratulations to Mrs. Danese Medders.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 1:55 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

**APPENDIX**

Sent to Governor  
(August 28, 1986)

**S.B. 31**

Sent to Secretary of State  
(August 28, 1986)

**S.J.R. 4****FOURTEENTH DAY**

(Friday, August 29, 1986)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

Absent: Howard.

Absent-excused: Green.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, we do thank Thee for the blessings which Thou hast given us and we ask that Thou would help us to lead lives that will reflect the glory of Thy gifts. Give us Thy wisdom, Thy strength and give us the willingness to go Thy way. In Christ's name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

**REPORT OF STANDING COMMITTEE**

Senator Harris submitted the following report for the Committee on Economic Development:

**S.C.R. 14****BILLS AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

**S.B. 10****S.B. 11****S.C.R. 10****SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 50** by Barrientos, Parker Criminal Justice  
Relating to the notification of certain county and district officers before an order of parole of, or on a grant of clemency for, certain convicted persons.

**S.B. 51** by Barrientos, Parker Criminal Justice  
Relating to the eligibility for release on parole of a prisoner serving cumulative sentences.

**S.B. 52** by Farabee State Affairs  
Relating to the use of funds belonging to patients in institutions under the jurisdiction of the Texas Department of Mental Health and Mental Retardation.

**S.B. 53** by Farabee State Affairs  
Relating to the conveyance of certain state-owned real property in Travis County and to disposition and appropriation of the proceeds.

**S.C.R. 16** by McFarland Jurisprudence  
Granting Robert Koester permission to sue the State of Texas and Texas Tech University.

**S.C.R. 17** by Farabee Criminal Justice  
Establishing a special interim committee to examine Texas' alcohol and substance abuse delivery systems to be named the Alcohol and Drug Abuse Task Force.

**MESSAGE FROM THE HOUSE**

House Chamber

August 29, 1986

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 50**, Relating to paperwork reduction efforts in public schools.

**H.B. 75**, Relating to the transfer of the amount of tax credits allowed on the sale of gasohol.

**S.B. 40**, Relating to a reduction in the salary paid to state officers and employees. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**PROCLAMATION FROM THE GOVERNOR**

The President laid before the Senate the following Proclamation from the Governor:

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Second Called Session of the 69th Legislature, now convened, the following:

Legislation relating to increasing the efficiency of existing procedures for issuing permits for the temporary operation of overweight vehicles by centralizing permit processing operations.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 29th day of August, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White  
Governor of Texas

/s/Myra A. McDaniel  
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

**PROCLAMATION FROM THE GOVERNOR**

The President laid before the Senate the following Proclamation from the Governor:

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Second Called Session of the 69th Legislature, now convened, the following:

Legislation increasing licensing requirements for persons selling checks and money orders in order to strengthen the protections afforded consumers in their purchase of these checks and money orders.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 29th day of August, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White  
Governor of Texas

/s/Myra A. McDaniel  
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

### **PROCLAMATION FROM THE GOVERNOR**

The President laid before the Senate the following Proclamation from the Governor:

### **PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Second Called Session of the 69th Legislature, now convened, the following:

Legislation allowing counties to establish a risk management pool to provide better coverage against liability for claims filed against those counties.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 29th day of August, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White  
Governor of Texas

/s/Myra A. McDaniel  
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

### **GUESTS PRESENTED**

Senator Glasgow was recognized and introduced the Capitol Physician for the Day, Dr. M. A. Treadwell of Eastland.

Dr. Treadwell, accompanied by his grandson, John Mark Vermillion, was welcomed to the Senate. The Members of the Senate expressed their appreciation to Dr. Treadwell.

### **SENATE BILL 42 ON SECOND READING**

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 42**, Relating to the withholding, transfer, time of payment, and commitment of legislative appropriations.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **S.B. 42** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire.

Nays: Barrientos, Brooks, Kothmann, Lyon, Mauzy, Parker, Truan, Washington.

Absent: Howard.

Absent-excused: Green.

The bill was read second time.

Senator Jones offered the following Committee amendment to the bill:

Amend **S.B. 42** page 3, line 11, Section 317.005(a) by deleting the word "may" and substituting therefor the word "shall"

The amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **RECORD OF VOTES**

Senators Barrientos, Brooks, Mauzy, Parker, Truan and Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **MOTION TO PLACE SENATE BILL 42 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 42** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 8. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire.

Nays: Barrientos, Brooks, Kothmann, Lyon, Mauzy, Parker, Truan, Washington.

Absent: Howard.

Absent-excused: Green.

#### **COMMITTEE SUBSTITUTE SENATE BILL 44 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 44**, Relating to the creation and management of the Texas Treasury Safekeeping Trust Company.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 44 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Green.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Howard.

Absent-excused: Green.

**COMMITTEE SUBSTITUTE SENATE BILL 19 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 19**, Relating to the creation and operation of a county government risk management pool; adding Article 4413(32i) to Title 70, Revised Statutes.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 19** by adding the following after Section 1 and renumbering the following section.

Section 2. It is not intended by this act to in any way affect those programs of pooled liability insurance by political subdivisions presently in place created under the provisions of Article 4413(32c).

The amendment was read and was adopted viva voce vote.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 19** by substituting "fees" for "assessments" where the latter appears in the following places:

1. first line of subsection (e)(2),
2. fourth line of subsection (e)(2), and
3. first line of subsection (h)(1).

The amendment was read and was adopted viva voce vote.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.S.B. 19** by striking the word "may" where it appears in the third sentence of Section (k) of Article 4413(32i) and substituting the word "shall" as follows: (See p. 3, l. 4-7, Committee Printing)

"The report shall be available for public inspection during the regular office hours of the board, and the insurance board shall make the report available to the public in the manner in which it makes other information available to the public."

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 19 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Green.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Howard.

Absent-excused: Green.

#### **SENATE CONCURRENT RESOLUTION 12 ON SECOND READING**

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.C.R. 12**, Memorializing Congress to enact legislation which would restore the competitive balance between Texas businesses and out-of-state mail order firms.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up **S.C.R. 12** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Mauzy, Parker, Washington.

Absent: Howard.

Absent-excused: Green.

The resolution was read second time and was adopted viva voce vote.

#### **RECORD OF VOTES**

Senators Mauzy, Washington and Parker asked to be recorded as voting "Nay" on the adoption of the resolution.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
August 29, 1986

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 27**, Commending Jack Kelly.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### **SENATE BILL 33 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 33**, Relating to eligibility for a passenger train beverage permit.

The bill was read second time and was passed to engrossment viva voce vote.

### **SENATE BILL 33 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 33** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Green.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Howard.

Absent-excused: Green.

### **HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 50**, To Committee on Education.

**H.B. 75**, To Committee on Finance.

### **COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 1 ON THIRD READING**

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.J.R. 1**, Proposing a constitutional amendment relating to the establishment of a state lottery.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

Nays: Blake, Brown, Edwards, Jones, Leedom, Lyon, Parker, Sarpalius.

Absent: Howard.



Absent-excused: Green.

The resolution was read third time and was passed by the following vote: Yeas 21, Nays 8. (Same as previous roll call)

**SENATE RULE 74a SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to **S.B. 40**.

**SENATE BILL 40 WITH HOUSE AMENDMENTS**

Senator Jones called **S.B. 40** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.  
Floor Amendment No. 1 - Rudd

Amend **S.B. 40** by striking all below the enacting clause and substituting the following:

SECTION 1. All provisions of **H.B. 20**, 69th Legislature, Regular Session, 1985, as corrected by **S.C.R. 188** and amended by **S.B. 1**, 1st Called Session, 69th Legislature, relating to salary increases for fiscal year 1987 are hereby repealed to the extent provided by this Act.

SECTION 2. It is the intent of the Legislature that (1) salary rates for fiscal year 1987 shall be payable at the same rate applicable for like positions for fiscal year 1986 except where salary increases are on a merit basis only or are not otherwise controlled by the terms of the Acts of the Legislature cited in Section 1 of this Act; and (2) that the amount previously appropriated to the state Comptroller of Public Accounts from the general revenue fund and from other special funds in the state treasury to implement salary increases is restored to those funds.

SECTION 3. This provision shall apply with equal effect to all agencies, institutions of higher education, and the Judiciary and Judiciary service units receiving appropriations in Article I through Article IV of **H.B. 20**.

SECTION 4. The Comptroller of Public Accounts shall adopt procedures necessary to administer these provisions. The Comptroller may require appropriate persons to file information necessary to carry out this section.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 2 - T. Smith, et al

Amend the floor substitute by inserting the following section, appropriately numbered, immediately before the emergency clause:

SECTION \_\_\_\_\_. This Act shall become law during the month of September 1986, but if **H.B. 1** of the 2nd Called Session of the 69th Legislature is not passed by the last day of September 1986, then the 3% pay increase scheduled for state officers and employees for the second fiscal year of our biennium 1986-1987 shall be reinstated effective October 1, 1986.

Floor Amendment No. 3 - Oliver

Amend **S.B. 40** by adding a new section 4A to read as follows:

SECTION 4A. If the comptroller determines that, subsequent to the effective date of this Act, funds are available and sufficient to reinstate the salary increases repealed by this Act, those salary increases are reinstated for the remainder of the fiscal year following the comptroller's certification that the funds are available.

The amendments were read.

Senator Jones moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 40** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Chairman; Farabee, Caperton, Montford, McFarland.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2 ON THIRD READING**

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 2**, Relating to the establishment and operation of a state lottery; providing penalties.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

Nays: Blake, Brown, Edwards, Jones, Leedom, Lyon, Parker, Sarpalius.

Absent: Howard.

Absent-excused: Green.

The bill was read third time.

Senator Uribe offered the following amendment to the bill:

Amend **C.S.S.B. 2** as amended on second reading as follows:

- (1) On page 1, line 17, strike "division" and substitute "commission".
- (2) On page 1, strike lines 18 and 19.
- (3) On page 1, line 20, strike "(4)" and substitute "(3)".
- (4) On page 1, strike lines 25 through 31.
- (5) On page 1, strike line 32 and substitute the following:

"SECTION 4. DIRECTOR AND STAFF. (a) The commission shall appoint a person to serve as".

- (6) On page 1, strike lines 41-44.
- (7) On page 1, line 45, strike "(d)" and insert "(b)".
- (8) On page 1, strike lines 51 through 53.

- (9) On page 1, line 54, strike “AND DIVISION”.
- (10) On page 1, line 56, strike “division” and substitute “commission”.
- (11) On page 2, line 14, strike “director” and substitute “commission”.
- (12) On page 2, line 36, strike “division” and substitute “director”.
- (13) On page 2, line 36, strike “director” and substitute “commission”.
- (14) On page 2, line 40, strike “division” and substitute “commission”.
- (15) On page 3, line 60, strike “division’s” and substitute “commission’s”.
- (16) On page 4, line 6, strike “division” and substitute “commission”.
- (17) On page 4, line 48, strike “division’s” and substitute “commission’s”.
- (18) On page 4, line 54, strike “division” and substitute “commission”.
- (19) On page 5, line 10, insert “or” after the semicolon.
- (20) On page 5, strike lines 11-13.
- (21) On page 5, line 16, strike “(1), (2), or (3)” and substitute “(1) or (2)”.
- (22) On page 5, lines 65 and 66, strike “division” and substitute “commission”.
- (23) On page 6, lines 4, 6, and 13, strike “division” and insert “commission”.
- (24) On page 6, line 49, strike “comptroller or”.
- (25) On page 7, line 9, strike “division” and substitute “commission”.
- (26) On page 7, line 53, strike “division’s” and substitute “commission’s”.
- (27) On page 8, lines 35 and 36, strike “the lottery division in the office of the comptroller of public accounts,”.
- (28) On page 7, line 37, strike “agent whose” and substitute “agent’s”.
- (29) On page 5, line 14, strike “(14)” and substitute “(3)”.
- (30) On page 8, lines 36 and 37, strike “director of the lottery division” and substitute “director of the State Lottery Commission”.

The amendment was read and was adopted by unanimous consent viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed viva voce vote.

#### **RECORD OF VOTES**

Senators Blake, Brown, Edwards, Jones, Leedom, Lyon, Parker and Sarpalius asked to be recorded as voting “Nay” on the final passage of the bill.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Caperton and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Criminal Justice might meet today upon recess of the Senate.

**RECESS**

On motion of Senator Mauzy, the Senate at 10:25 o'clock a.m. took recess until 11:15 o'clock a.m. today.

**AFTER RECESS**

The Senate met at 11:15 o'clock a.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
August 29, 1986

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S.B. 40: House Conferees: Rudd, Chairman; McWilliams, Delco, T. Smith, Guerrero.

The House has adopted the Conference Committee Report on S.B. 40 by a vote of 132 Ayes, 4 Noes, and 1 Present and Not Voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 23  
H.C.R. 25  
H.C.R. 26  
H.C.R. 28  
H.C.R. 30

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 40**

Senator Jones submitted the following Conference Committee Report:

Austin, Texas  
August 29, 1986

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 40 have met and had the same

under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JONES  
McFARLAND  
FARABEE  
CAPERTON  
MONTFORD  
On the part of the Senate

RUDD  
McWILLIAMS  
DELCO  
T. SMITH  
GUERRERO  
On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to a reduction in the salary paid to state officers and employees.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1.** All provisions of **H.B. 20**, 69th Legislature, Regular Session, 1985, as corrected by **S.C.R. 188** and amended by **S.B. 1**, 1st Called Session, 69th Legislature, relating to salary increases for fiscal year 1987 are hereby repealed to the extent provided by this Act.

**SECTION 2.** It is the intent of the Legislature that (1) salary rates for fiscal year 1987 shall be payable at the same rate applicable for like positions for fiscal year 1986, except where salary increases are on a merit basis only or are not otherwise controlled by the terms of the Acts of the Legislature cited in Section 1 of this Act; and (2) that the amount previously appropriated to the state comptroller of public accounts from the general revenue fund and from other special funds in the state treasury to implement salary increases is restored to those funds.

**SECTION 3.** This provision shall apply with equal effect to all agencies, institutions of higher education, and the Judiciary and Judiciary service units receiving appropriations in Article I through Article IV of **H.B. 20**.

**SECTION 4.** The comptroller of public accounts shall adopt procedures necessary to administer these provisions. The comptroller may require appropriate persons to file information necessary to carry out this Act.

**SECTION 5.** This Act shall become law during the month of September, 1986. However, should the Second Called Session, or any subsequent called session of the 69th Legislature fail to enact an appropriations bill before October 1, 1986, for the fiscal year beginning September 1, 1986, this Act expires and the salary increases provided for in **H.B. 20**, as corrected and amended, are authorized in accordance with the terms of that Act.

**SECTION 6.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**SENATE RULE 96(h) SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 96(h) was suspended as it relates to the Conference Committee Report on **S.B. 40**.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 40 ADOPTED**

On motion of Senator Jones, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 0.

Absent: Howard.

Absent-excused: Green.

### SENATE BILL ON FIRST READING

The following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 54** by Parker Finance  
Relating to the investment of the permanent school fund in real property owned by the state.

### RECESS

On motion of Senator Brooks, the Senate at 11:34 o'clock a.m. took recess until 4:00 o'clock p.m. today.

### AFTER RECESS

The Senate met at 4:00 o'clock p.m. and was called to order by the President.

### MESSAGE FROM THE HOUSE

House Chamber  
August 29, 1986

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 15**, An act relating to the regulation and licensing of pari-mutuel wagering on greyhound and horse racing. (Substituted and amended)

**H.B. 93**, Relating to an appropriation to pay certain claims against the state.

**H.C.R. 32**, Congratulating Representative and Mrs. Schoolcraft on the birth of Jordan Talburt Schoolcraft.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

### S.B. 40

### HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 93**, To Committee on Finance.

### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 55** by Henderson State Affairs  
Relating to the purchase of electricity for state-owned buildings located in the city of Austin, Travis County, Texas.

**S.B. 56** by Harris

Economic Development

Relating to a referendum on the question of pari-mutuel wagering under the Texas Racing Act on a county-by-county local option basis.

**MEMORIAL RESOLUTION**

**S.R. 78** - By Brooks: Memorial resolution for Wayne Wright Johnson, Jr.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 27** - (Henderson): Commending Jack Kelly.

**H.C.R. 32** - (Krier): Extending congratulations to Representative and Mrs. Alan Schoolcraft on the birth of Jordan Talburt Schoolcraft.

**ADJOURNMENT**

On motion of Senator Parmer, the Senate at 4:07 o'clock p.m. adjourned until 11:30 o'clock a.m. Monday, September 1, 1986.

**APPENDIX**

Sent to Governor  
(August 29, 1986)

**S.B. 10**

**S.B. 11**

**S.B. 40**

**S.C.R. 10**

**In Memory**

of

**Mary Moody Northen**

Senator Brooks offered the following resolution:

**(Senate Concurrent Resolution 18)**

WHEREAS, Citizens of Galveston and the State of Texas mourned the passing on August 25, 1986, of Mary Moody Northen, businesswoman, civic leader, and philanthropist whose beneficiaries extend well beyond her beloved home, Galveston Island; and

WHEREAS, Born in Galveston on February 10, 1892, Mary Moody was one of four children of William Lewis Moody, Jr., and Libbie Shearn Moody, who together established the Moody Foundation in 1942; the Moody businesses were begun by the father of William Moody, Sr., a Confederate Army colonel, and grew into an empire that included more than 50 firms with interests in cotton, banking, insurance, newspaper publishing, and farming and ranching; and

WHEREAS, Mary Moody and Edwin Clyde Northen were married in 1915, and their union was blessed with much happiness until his death in 1954; and

WHEREAS, Two months after her husband's death, Mrs. Northen's father died, leaving her control of the businesses and the Moody Foundation; and

WHEREAS, As head of her family's businesses and a member of the Moody Foundation, which ranks fourth in assets among Texas foundations, Mrs. Northen made many valuable contributions in support of higher education in Texas, including generous donations to The University of Texas System, which bestowed on her its highest honor, the Santa Rita Award; and

WHEREAS, Her native Galveston area greatly benefitted from her philanthropy; the Moody Foundation gave generously to virtually every medical institution in the Houston-Galveston area, helped establish the Galveston campus of Texas A&M University's maritime academy, made grants to Galveston College, and established Moody House, a home for the aged in Galveston; and

WHEREAS, Elsewhere in Texas, Mrs. Northen's generosity included Blinn College in Brenham, Southwestern University in Georgetown, and St. Edward's University in Austin, whose theater bears her name; and

WHEREAS, Mary Moody Northen was privately tutored and, though she never attended college, received five honorary degrees from Texas universities; crediting her father with helping develop her business acumen, she sat on the boards of several large companies; and

WHEREAS, In addition to her many business and foundation activities, Mrs. Northen was involved in numerous cultural organizations, including the Texas Historical Commission, the Texas Commission on the Arts and Humanities, and the Galveston County Historical Commission, and played a leading role in preserving Galveston's distinctive architecture; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 69th Legislature, 2nd Called Session, the House of Representatives concurring, That the life of Mrs. Mary Moody Northen be honored as an example of industry and charitable



endeavor and as one for which Galveston and Texas will be forever indebted; and, be it further

RESOLVED, That copies of this Resolution be prepared for the members of her family as an expression of deepest sympathy, and that when the Texas Legislature adjourns this day, it do so in memory of Mrs. Mary Moody Northen.

The resolution was read.

On motion of Senator Traeger and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.